

# OFFICIAL GAZETTE

## GOVERNMENT OF GOA, DAMAN AND DIU

### GOVERNMENT OF GOA, DAMAN AND DIU

Special Department

Notification

1-49-74-SPL

In exercise of the powers conferred by the proviso to article 309 of the Constitution read with the Government of India, Ministry of External Affairs Letter No. F. 7 (II)/62-Goa dated 25th July, 1963, the Administrator of Goa, Daman and Diu is pleased to make the following amendment to the Goa Government Recruitment Rules of all Class III Non-Ministerial Non-Gazetted posts, as follows:—

In the Schedule appended to the Goa Government Recruitment Rules of all Class III Non-Ministerial Non-Gazetted posts, in the entry under column 6 the upper age limit shall be relaxable to Government servants.

This notification shall take effect from the date of issue.

By order and in the name of the Administrator of Goa, Daman and Diu.

*M. K. Bhandare*, Deputy Secretary (Appointments).

Panaji, 18th August, 1975.

Notification

1-37-74-SPL

In exercise of the powers conferred by the proviso to article 309 of the Constitution, read with the Government of India, Ministry of Home Affairs, letter No. F.7(11)/62-Goa dated the 25th July, 1963, the Administrator of Goa, Daman and Diu is pleased to make the following rules relating to recruitment to the Class III posts of Assistant Motor Vehicle Inspector and Motor Vehicle Inspector in the Directorate of Transport under the Government of Goa, Daman and Diu.

1. **Short title.**—These rules may be called Goa Government Directorate of Transport, Class III (non-ministerial non-gazetted) posts Recruitment Rules, 1975.

2. **Application.**—These rules shall apply to the posts specified in column 1 of the Schedule to these rules.

3. **Number, classification and scale of pay.**—The number of posts, classification of the said posts and the scales of pay attached thereto shall be as specified in columns 2 to 4 of the said Schedule.

4. **Method of recruitment, age limit and other qualifications.**—The method of recruitment to the said posts, age limit, qualifications and other matters connected therewith shall be as specified in columns 5 to 13 of the aforesaid Schedule.

Provided that,

- (a) the maximum age limit specified in the Schedule in respect of direct recruitment may be relaxed in the case of candidates belonging to the Scheduled Castes and Scheduled Tribes and other special categories in accordance with the orders issued by the Central Government from time to time; and
- (b) no male candidate, who has more than one wife living and no female candidate, who has married a person having already a wife living, shall be eligible for appointment, unless the Government, after having been satisfied that there are special grounds for doing so, exempts any such candidate from the operation of this rule.

5. These rules will come into effect from the date of the Notification and will relate to appointments to the various posts made on or after this date. An appointment made prior to this date through a duly constituted staff selection Board/Departmental Promotion Committee will be deemed to be a regular appointment, notwithstanding any provisions contained in these rules, and the probation period in that case will extend to six months only from the date of this notification.

6. This issues in supersession of the rules for the posts issued under Notification dated 29th June, 1966 published in Government Gazette Series I, No. 18. dated 4th August, 1966.

*T. Kipgen*  
Chief Secretary

Panaji, 21st August, 1975.

**SCHEDULE**

Name of the post	No. of posts	Classification	Scale of Pay	Whether Selection Post or non-Selection Post	Age limit for direct recruits	Educational and other qualifications required for direct recruits	Whether age and educational qualifications prescribed for the direct recruits will apply in the case of promotees	Period of probation, if any	Method of recruitment whether by direct recruitment or by promotion or by deputation/transfer, and percentage of the vacancies to be filled by various methods	In case of recruitment, by promotion/deputation/transfer, grades from which promotion/deputation/transfer is to be made	If a DPC exists, what is its composition	Circumstances in which U. P. S. C. is to be consulted in making recruitment
1	2	3	4	5	6	7	8	9	10	11	12	13
Assistant Motor Vehicle Inspector	As sanctioned from time to time	Class III (non-ministerial non-gazetted).	Rs. 425-15-530-EB-15-560-20-600.	N. A.	30 years (relaxable for Government servants.)	<p><b>Essential:</b></p> <p>i. Diploma in Automobile/Mechanical Engineering from a recognised Institution or equivalent.</p> <p align="center">or</p> <p>S.S.C.E. or equivalent examination with a certificate from a recognised I. T. I. in the Trade of Motor Mechanic.</p> <p>ii. Three years driving experience of all types of vehicle with knowledge of Motor Vehicle Law and Traffic Regulations and good vision.</p> <p><b>Desirable:</b></p> <p>i. Degree in Automobile/Mechanical Engineering.</p> <p>ii. Working knowledge of Konkani and/or Marathi (and/or Gujarati only in case of Posts in Daman and Diu).</p>	N. A.	Two years	Direct recruitment	N. A.	N. A.	As required under the rules.
Motor Vehicle Inspector	As sanctioned from time to time	— do —	Rs. 550-20-650-25-750.	Selection	— do —	<p><b>Essential:</b></p> <p>i. Degree/Diploma in Automobile/Mechanical Engineering from a recognised University/Institution or equivalent.</p> <p>ii. Experience in repairs and testing of motor vehicles.</p>	N. A.	— do —	50% by promotion failing which by direct recruitment 50% by direct recruitment.	<b>Promotion:</b> Assistant Motor Vehicle Inspector with three years experience in the grade.	Class III D.P.C.	— do —

## Education and Public Works Department

## Notification

PWD/PE/3414/75-EDN.PWD

The following draft of the rules which the Government of Goa, Daman and Diu proposes to make in exercise of the powers conferred by sub-section (2) of section 72 of the Goa, Daman and Diu Highways Act, 1974 (10 of 1974), is hereby published for the information of all persons likely to be affected thereby as required by sub-section (1) of section 72 of the said Act.

Notice is hereby given that the said draft will be taken into consideration after 15 days from the date of publication of this notification in the Official Gazette and any objection or suggestion which may be received from any person with respect thereto within the period aforesaid will be considered by the Government. Objections and suggestions should be sent to Development Commissioner, Education and Public Works Department, Government of Goa, Daman and Diu, Secretariat, Panaji, Goa.

## DRAFT RULES

In exercise of the powers conferred by section 72 of Goa, Daman and Diu Highways Act, 1974 (10 of 1974), the Government of Goa, Daman and Diu hereby makes the following rules, namely: —

1. **Short title, extent and commencement.** — (1) These rules may be called the Goa, Daman and Diu Highways Rules, 1975.

(2) They shall come into force at once.

(3) They shall extend to the whole of the Union territory of Goa, Daman and Diu.

2. **Definitions.** — In these rules, unless the subject or context otherwise requires, —

(a) 'Act' means the Goa, Daman and Diu Highways Act, 1974 (10 of 1974);

(b) 'Connected Land' means land between Highway boundaries and control lines proposed, to be fixed;

(c) 'Form' means a Form appended to these rules;

(d) 'Municipal Council' means a local body established under the Goa, Daman and Diu Municipalities Act, 1968 (7 of 1969);

(e) 'Schedule' means a Schedule appended to these rules;

(f) 'Section' means a section of the Act;

(g) 'Village Panchayat' means a local body established under the Goa, Daman and Diu Village Panchayat Regulations, 1962 (9 of 1962);

(h) The words and expressions used but not defined in these rules shall have the same meaning as assigned to them in the Act.

3. **Manner of publication of notification specified under Section 7(2).** — (1) As soon as the notification on the notice board at the localities stated below Act is published in the Official Gazette, the Highway Authority shall display the copies of such notification.

iii. At least three years motor driving experience of all types of motor vehicles with knowledge of Motor Vehicle Law and Traffic Regulations and good vision.

*Desirable:*

i. Working knowledge of Konkani and/or Marathi (and/or Gujarati only in case of posts in Daman and Diu).

tion on the notice board at the localities stated below for a period of at least sixty days: —

- i) In the Office of the Highway Authority;
- ii) In each of the following places situated within the revenue boundaries of villages in which, the connected lands are situated: —
  - (a) Official Head quarters of the villages and, where there are no Head quarters, in Government schools or any other public place for the purpose; and
  - (b) Office of the Village Panchayat, if any;
- iii) In the Office of the Mamlatdars of the Talukas in which the connected lands are situated;
- iv) In the Office of the Divisions of the Public Works Department to which the work of the fixing of the Highway boundaries, building line and control line, is entrusted, with respect to the Highways under their control;
- v) In the Offices of the concerned Municipal Councils in case the connected lands are situated in Municipal areas.

(2) The Highway Authority shall send one copy of the above notification to each of the Talathis of the Villages in which the connected lands are situated and the respective Talathi shall give publicity to it by beat of drums.

**4. The localities where the copies of maps to be kept for inspection under Section 8.** — (1) The Highway Authority shall arrange to keep for inspection a copy of the map referred to in section 8 of the Act, besides in his Office, at the following places: —

- i) In each of the village Panchayat Offices of the Villages within the revenue boundaries of which the connected lands are situated,
- ii) In the Mamlatdar's Office of the Taluka, within whose revenue boundaries the connected lands are situated,
- iii) In the Office of each of the Divisions of Public Works Department under control of which comes the Highway marked on the plan,
- iv) In the Office of the Municipal Council if the lands are situated in the Municipal Areas.

(2) The Highway Authority shall intimate to the Talathis of the respective areas that the copies of the plans are kept for inspection at the places referred to in sub-rule (1) and the Talathis shall, by beat of drums, give publicity to this fact.

**5. Form of application for permission under Section 9.** — An application for permission falling under clause (a) or clause (b) of sub-section (1) of section 9 shall be made in Form A in Schedule I and for permission falling under clause (c) of sub-section (1) of section 9 shall be made in Form A-I in Schedule I.

**6. Manner of publication of notification under Section 15.** — (1) Immediately after publication of notification under section 15, the Highway Authority shall display or cause to be displayed, for a period of two months, the copies of such notification on the notice boards at the following places:

- i) In the Office of the Highway Authority,
- ii) In the below mentioned localities situated within revenue boundaries of village in which the

land required for the purposes of highway or any land on which any right or interest of any person has been compulsorily acquired or extinguished for such purposes is situated,

(a) Official headquarters of the village and where there is no headquarters, in Government schools or any other public places reserved for the purpose; and

(b) Office of the Village Panchayat, if any.

iii) In the Mamlatdar's Office of each of the Talukas in which the connected lands are situated.

iv) In the Office of each of the Divisions of Public Works Department under control of which fall the section of highway that would pass through the connected lands.

v) In the Office of Municipal Councils, in case the connected lands are situated in Municipal areas.

(2) The Highway Authority shall send a copy of the notification to the Talathis of respective areas in which the connected lands are situated, and the Talathis shall give publicity to it by beat of drums.

**7. Form of application for permission under Section 21 for utilisation of land pertaining to highway.** — The application for permission to occupy or encroach any highway land within Highway boundaries under sub-section (1) of section 21 shall be made to the Highway Authority in Form B in Schedule I.

**8. Conditions on which permission to be granted under Section 21 to occupy highway land.** — Permission to occupy or encroach any highway within the highway boundaries shall be granted subject to the following conditions: —

i) The construction to be erected or work to be carried out shall not cause any inconvenience to the traffic nor block the arrangements made for smooth flow of traffic.

ii) The construction shall be erected as per specifications, given in plans or sketches approved by Highway Authority and no alterations or improvement shall be made in Plans or sketches without prior written permission of the Highway Authority. Likewise the construction shall not be used for any purpose other than that for which permission is given by the Highway Authority.

iii) The construction shall be made to the satisfaction of the Highway Authority and the same shall be maintained in good condition.

iv) No trees existing on the highway land shall be cut, removed, damaged or no loss shall be caused to them without prior written permission of the highway Authority nor without payment of corresponding compensation fixed by highway Authority. Similarly no material accessories or objects existing on highways shall be removed nor loss inflicted to them.

v) The applicant shall be solely responsible for any physical or material loss caused to any person as a result of carelessness, negligence or misbehaviour on the part of workers employed by applicant for erecting a construction on or above the highway land or on the part of workers employed for maintenance and repairs of such construction or while using such construction.

vi) The applicant shall pay rent or other charges fixed under rule 9 for occupation or encroachment, permitted on highway within the highway boundaries.

vii) The applicant shall be liable to pay taxes, rates and charges due to the Government and local Authorities in connection with the occupation and use of highway land or on account of construction erected on that land or on account of encroachment on that land.

viii) The applicant shall deposit by way of security to the Highway Authority such amount as may be fixed by the Highway Authority for the purpose. This amount shall stand forfeited on the ground of default in payment of rent or other charges due to the Government or on the ground of transgression of conditions imposed while permitting any construction or work.

ix) At the expiry of the period for which the permission was given the person in whose favour it was given shall release the land to the Highway Authority after restoring it to the same state as it was before its occupation by him.

x) No transfer of such permits to any other person shall be considered valid without the prior written permission of Highway Authority.

**9. Fixation of rent for occupation of Highway land.**—The Highway Authority shall charge rent at the rate specified in Schedule II for the occupation or encroachment on Highway land permitted under Section 21 of the Act.

**10. Manner of making reference under Section 35 by Highway Authority or Authorised Officer.**—In making reference under section 35 to the Civil Judge, the Highway Authority or the officer authorised making award under section 28 shall make a reference in Form C of the Schedule I.

**11. Form of application under Section 44 for reference against order fixing betterment charges.**—An application under sub-section (2) of section 44 for a reference to the Civil Judge (Senior Division) shall be made in Form D of the Schedule I.

**12. Manner of reference under Section 44 by the Officer authorised.**—(1) In making the reference the officer making the order under section 42 shall state for the information of the Court, in writing under his signature following information:

(a) A location of land and extent of land with particulars of buildings if any, thereon,

(b) The name of persons whom he believes to have their interest on such lands and buildings.

(2) The following documents shall be attached to the above statement namely:—

(a) a copy of the order fixing betterment charges,

(b) a copy of application of the aggrieved person requiring the reference to be made under section 44 of the Act,

(c) a schedule giving the particulars of the notices served on interested parties as well as details regarding representations made or handed over by interested parties,

(d) a copy of the plans showing the nature and location of the highway work concerned in relation to the lands assessed to betterment levy.

**13. Date on which betterment charges shall be payable under Section 47.**—The betterment charges shall be payable within 90 days from the date of intimation of the order made under section 42 or from the date of decision of Civil Judge (Senior Division) under section 44, as the case may be.

**14. The payment of betterment charges by instalments under proviso to Section 47.**—(1) If the owner of the land desires to pay the betterment charges by annual instalments, he shall apply to that effect to the authority ordering the fixation of such charges under section 42, within the time limit of one month from the date of intimation of the order issued under section 42 or from the date of decision of Civil Judge (Senior Division) under section 44, as the case may be, stating in the application the number of instalments in which he wishes to pay the charges. The number of such instalments shall not be more than ten.

(2) The interest shall be charged at the rate of 12% per annum on the amount of betterment charges leviable on any land, if the owner desires to pay by instalments.

(3) The instalments shall be fixed so that the amount of betterment charges together with interest will be totally paid within the time limit specified by the owner of land in his application. But such time limit, in any case, shall not be more than ten years from the date from which such charges shall be leviable.

(4) On the receipt of the application under sub-rule (1) the authorised officer under section 41 shall fix the amount of each of the annual instalment including interest payable by the owner, number of such instalments and date of payment of each such instalments.

(5) The owner of the land shall be execute an agreement as required by section 47 in Form E of the Schedule I.

**15. Relinquishment or exchange of land under Section 48.**—(1) If the owner of the land who desires to relinquish the whole or any part of the land, or to deliver it in exchange in favour of the Government under section 48, he shall apply to that effect to the Authorised Officer, within one month from the date of passing the order under section 42 or by the Civil Judge (Senior Division) under section 44, as the case may be.

(2) The owner of the land shall give in his application the following information:

(a) full particulars of the land and the amount of betterment charges fixed thereon.

(b) the area of the land applied to be relinquished or given in exchange and the value thereof according to the owner.

(c) details of all encumbrances, on the land if any. The owner shall also attach to the application the sketch showing the exact location of the land applied to be relinquished or given in exchange.

(3) On receipt of the application, the Authorised Officer shall fix the value of the land applied to be

relinquished or exchanged, and then the application along with his recommendations, shall be forwarded to the Government for orders under section 48 of the Act.

**16. Prohibition or regulation of traffic when highway considered unsafe under Section 50.**— Whenever the Highway Authority under section 50, declares any highway or any portion thereof closed to all traffic or regulate the number, speed or weight of vehicles using the highway, it shall:—

- i) publish in Official Gazette and also in at least, in one news paper circulating in the locality, giving particulars of the restrictions imposed
- ii) erect at suitable locations of the concerned section of Highway notice boards displaying the details of restrictions imposed.
- iii) raise necessary road-blocks on the highway or part of the highway closed for all traffic or any class of traffic and shall arrange to place during night time red coloured lanterns on such road-blocks.

**17. Prohibition or restriction of use of heavy vehicles under Section 51.**— Whenever the Highway Authority, in exercise of the powers under section 51 prohibits or restricts the plying of heavy vehicles it shall—

- i) publish a notification in Official Gazette and at least in one news paper circulating in the locality, giving particulars of all details of restrictions imposed.
- ii) erect at suitable locations of the highway, notice boards displaying the details of restrictions imposed.

## SCHEDULE I

### FORM A

(See rule 5)

Form of application to be submitted under section 9(2) for the purpose specified in section 9(1)(a) and (b) of the Goa, Daman and Diu Highways Act, 1974

1. Name of applicant (in full) ...
2. Age ...
3. Address (in full) ...
4. Interest of the applicant in relation to the land to which the application relates (A certified copy of the Record of Rights or property Register should be attached).
5. Purpose of permission (give full details).
6. Details of the land on which work is to be carried out:—
  - (a) Survey number ...
  - (b) Part number—sub-part number ...
  - (c) Total area of the part of the land in possession of applicant.
  - (d) Area to be utilised for the work from the total area at (c).
7. Name of the highway on which the property is situated and its location giving chainage in Km. and hectometers.
8. State whether the permission from the Collector or local authority has been obtained for the work. If not, give reasons why such permission has not been obtained. If permission has been obtained attach original copy of permission.
9. (a) Has any application been made previously for the above purpose.

- (b) Quote the date of any such application, if made.
- (c) Quote the number and date of any reply received from Highway Authority in respect of any such application.

10. Any other details of information in connection with the application ...

The particulars and information is true and correct to the best of my knowledge and belief.

Dated: ...

Place ...

Signature of applicant

Foot notes:

(1) A rough sketch giving all details specified in the column numbers 6 and 7 of this form, as well as showing the distance between highway boundary and building line should be attached to the application.

(2) The application pertaining construction or reconstruction of building, and its enlargement or important alteration should be accompanied by a detailed plan duly authenticated by an architect showing existing, old or proposed construction as well as proposed enlargement or alteration of the construction.

### FORM A-1

(See rule 5)

Form of application to be submitted under section 9(2) for the purpose specified in section 9(1)(c) of the Goa, Daman and Diu Highways Act, 1974

1. Name of the applicant (in full) ...
2. Age ...
3. Address (in full) ...
4. Whether owner or tenant of the building to which the application relates. If the tenant, whether permission is sought of the owner of the building for making alteration of the use of the building? ...
5. Purpose/purposes for which the building is presently used ...
6. Purpose/purposes for which the building is proposed to be used ...
7. Will there be any extension/material alterations of the building, due to the proposed alteration of use? If so, give details ...
8. Will there be/is there heavy parking of cars or assembly of people due to the proposed/present use of the building? If so, give gross estimate and state arrangements existing as also the arrangements proposed to be made for such parking of cars/assembly of people ...
9. Particulars of the land on which the building is situated.
  - (a) Survey number ...
  - (b) Part number ...
  - (c) Sub-Part number ...
  - (d) Total area of the plot in possession of the applicant ...
  - (e) Area of the property existing in possession of applicant where construction is carried out ...
  - (f) Area of the property constructed after making any extension of any alteration proposed to be done ...
10. Name of Highway and number of Kms. and meters where the building is situated ...
11. Has the permission been obtained from competent local authority or concerned Government Departments for the use of building or alteration of use of the building? If not, state the reason why such permission has not been obtained. If permission has been obtained, attach the same (in original).
12. (a) Has any application been made previously to the Highway Authority for the same/similar purpose,
  - (b) If so, state the number and date of such application,
  - (c) State the number and date of reply received from Highway Authority, if any, in connection with such application ...

13. Any other relevant particulars or information in connection with application ...

The above particulars and information are true and correct to the best of my knowledge and belief.

Date ...

Place ...

Signature of applicant

Foot Note: — A sketch showing all the particulars specified in columns 7, 9 and 10 should be attached to the application.

FORM B

(See rule 7)

Form of application to be submitted for temporary occupation of or temporary encroachment on any highway (within the highway boundaries) under Section 21, of the Goa, Daman and Diu Highways Act, 1974

1. Name of applicant (in full) ...
2. Address of applicant (in full) ...
3. Purpose for which permission sought ...
4. Name of highway and location of highway land proposed to be occupied (mention the number of Kms. and meters and attach a sketch) ...
5. Area of highway land to be occupied and used ...
6. Give details of construction to be raised on or above the highway land and attach the respective sketch ...
7. State the period of time for which and date from which the permission is needed ...
8. Whether similar application was made before? If so, state the date of application ...
9. State whether permission was given before or not? ...

I am willing to pay the necessary rent fixed for the use and occupation of highway land. I am also willing to comply with any conditions imposed by you and to deposit a security deposit for proper compliance of such conditions.

Date ...

Signature or thumb impression of applicant

FORM C

(See rule 10)

Form of reference to be made by Highway Authority or Authorised Officer while making reference to the Civil Judge under Section 35(4) of the Goa, Daman and Diu Highways Act, 1974

- (a) Full details of property or of rights and interest on that property and nature of loss, if any, for which compensation is paid.
- (b) The name of all persons supposed to have interest in claiming the compensation.

Date ...

Place ...

Signature and designation for and on behalf of the Highway Authority

Foot Note: — The following documents shall invariably be submitted alongwith this Form of reference.

(a) Copy of the award (b) Copy of the application by which reference was required under Section 35 of the Act along with copy of enclosures (c) Schedule of details regarding notices served on interested parties and details regarding the representation made by interested parties.

FORM D

(See rule 11)

Form of application under Section 44 of the Goa, Daman and Diu Highways Act, for reference to Civil Judge (Senior Division), against order made under Section 42, for fixing betterment charges

1. Name of applicant (in full) ...
2. Profession ...
3. Age ...
4. Address ...
5. No. and date of order issued under Section 42 ...
6. Date of intimation of order to applicant ...
7. Details of land connected with the order ...  
(a) Survey No. ... (b) Part No. ... (c) Village ... (d) Taluka ... (e) District ...
8. The terms fixing betterment charges on which objections are raised ...

Dated ...

Signature of applicant or his representative duly empowered

FORM E

[See rule 14(5)]

Form of agreement to be entered into under provision of Section 47 of the Goa, Daman and Diu Highways Act, 1974.

This Agreement is made on ... the day of ... one thousand nine hundred and ... at ... between President of India (hereinafter called 'the Government') of the one part and Shri ... son of Shri ... aged ... resident of ... (hereafter called 'Owner' which expression shall, unless excluded by or repugnant to the context, include his heirs, administrators, executors and assigns) of the other part.

Whereas the owner is possessed of and otherwise sufficiently entitled to free from encumbrances to the piece of land situated at ... more particularly described in the Schedule hereto appended (hereinafter referred to as the said "land").

And whereas, it has been held by the order/the decision of Authorised Officer/Civil Judge (Senior Div) made under section 42/Section 44 of the Goa, Daman and Diu Highway Act, 1974 (hereinafter called the said "Act"), that an amount of Rs. ... is leviable on above land as betterment charges.

And whereas, the owner desires to pay the said amount of betterment charges by annual instalments as specified in the Highway Act, 1974, and has for this purpose agreed to enter into an agreement with the Government as per provision of section 47 of the said Act.

Now this Agreement witnesseth as follows —

(1) The owner shall pay to the Government, within the time limit of ... years an amount of Rs. ... as betterment charges including interest thereon at the rate of ... % per annum, by equal amounts of Rs. ... each in ... annual instalments. First of such instalments shall be paid on ... day of the month of ... of the year ... and subsequent instalments shall be paid on ... day of the month of ... of subsequent years. The owner agrees also to pay annually interest at the rate of ... % per annum on any amount of principal payable or due to the Government. The first payment of such interests shall be made on ... day of the month, of ... of the year ... and subsequent annual payments shall be made on ... day of the month of ... of the subsequent years, until the total sum of Rs. ... is completely paid off.

Provided always that if any amount of interest shall remain unpaid within the time limit of one month from the date such interest becomes payable, the interest due shall be incorporated into the principal after the month is completed, and from that date onwards the daily interest shall be payable at the above mentioned rates. All rules and regulations regarding the interests shall be applicable to the interest accrued on the above debt.

Provided further that, as per above provision, the owner shall not be permitted to keep in abeyance the payment of any interest.

(2) All amounts due by and recoverable from the owner under these present shall, subject to the prior payment of the land revenue, if any, due to the Government thereon, be



a first charge on the land in respect of which such betterment charges are leviable as provided in section 46 of the Goa, Daman and Diu Highways Act, 1974.

(3) The owner shall bear stamp duty payable in respect of this agreement.

In witness whereof Shri...in the Office of...for and on behalf of the President of India has hereto set his hand and Official seal and the above mentioned owner Shri...set his hand on the date and year stated above.

### SCHEDULE

Details of land...

Signed, sealed and delivered by...

(Name and designation)

For and behalf of the President of India.

In presence of

(Signature of witness)

(Signature and designation of the Officer)

Signed and delivered by

(Name and designation in the presence of)

(Signature of witnesses)

(Signature and designation of the owners)

### SCHEDULE II

(See rule 9)

Table showing the rents to be charged for temporary occupation of or encroachment on highway land

The purpose for which the highway land is occupied	Rent to be charged
1. For temporary encroachment on highway land in front of the applicant's building or for the temporary constructions over hanging highway...	An amount per annum not exceeding 10% of the market value of the land situated under the construction limited to the minimum of Rs. 50 for land situated in the Municipal areas and Rs. 25 in other areas.
2. For temporary erection of awnings, tents, pandals or other similar erections...	An amount per day not exceeding Rs. 5 per each 10 sq. m. of land in Municipal areas and Rs. 2-50 P. per each 10 sq. m. of land in other areas.
3. For temporary stalls or scaffolding...	An amount per annum not exceeding 10% of the market value of the land occupied limited to the minimum of Rs. 100 in Municipal areas and Rs. 50 in other areas.
4. For stacking of building materials, goods as such or other articles...	An amount per day not exceeding Rs. 5 per each 10 sq. m. of land in Municipal areas and Rs. 2-50 P. per each 10 sq. m. of land in other areas.
5. For making temporary excavation (Subject to the conditions that it shall be made good to the original condition at the cost of the tenant)...	Nil.

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

W. Saiza, Development Commissioner.

Panaji, 21st August, 1975.

### Local Self Government Department

### ORDER

7-12-75-LSG

In exercise of the powers conferred under clause 2 of the Goa, Daman and Diu (Administration) Removal of Difficulties Order, 1962 and all other powers enabling him in that behalf the Administrator of Goa, Daman and Diu is hereby pleased to create one post of Assistant Accounts Officer in the Head Office of the Provedoria de Assistencia Publica in the scale of Rs. 550-25-750-EB-30-900.

By order and in the name of the Administrator of Goa, Daman and Diu.

Abel do Rosario, Under Secretary (Development).

Panaji, 30th August, 1975.

### Law and Judiciary Department

### Notification

LD/6181/75

The following notification received from the Government of India, Ministry of Agriculture and Irrigation New Delhi, is hereby republished for general information of the public.

M. S. Borkar, Under Secretary (Law).

Panaji, 25th August, 1975.

### GOVERNMENT OF INDIA

### MINISTRY OF AGRICULTURE AND IRRIGATION

(Department of Agriculture)

New Delhi, Dated the 28th July, 1975

### Notification

S. O. 392(E) In exercise of the powers conferred by Section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following order further to amend the Fertiliser (Movement Control) Order, 1973, namely:—

1. (1) This order may be called the Fertiliser (Movement Control) (Third Amendment) Order, 1975.

(2) It shall come into force on the date of its publication in the Official Gazette.

2. In the Fertiliser (Movement Control) Order, 1973, in clause 2, in sub-clause (b), for the words and figures "and 'Rock phosphate', appearing at Serial Nos. 9, 10 and 23 respectively of Schedule to that Order", the words and figures, 'Rock phosphate' and 'Zinc Sulphate', appearing at Serial Nos. 9, 10, 23 and 37 respectively of Schedule I to that Order" shall be substituted.

Sd/-

KUMARI ANNA R. GEORGE  
Joint Secretary to the Govt. of India

No. 10-15/74. MPR. STU



## Notification

LD/BII/8/75

The following Bill passed by the Legislative Assembly of Goa, Daman and Diu and assented to by the President of India, on 21-8-1975 is hereby published for general information.

M. S. Borkar, Under Secretary (Law).

Panaji, 28th August, 1975.

## The Indian Stamp (Goa, Daman and Diu Amendment) Act, 1975

(Act No. 14 of 1975) [21st August, 1975]

AN

ACT

*further to amend the Indian Stamp Act, 1899, as in force in the Union territory of Goa, Daman and Diu;*

BE it enacted by the Legislative Assembly of Goa, Daman and Diu in the Twenty-sixth Year of the Republic of India, as follows:—

1. *Short title, extent and commencement.*—(1) This Act may be called the Indian Stamp (Goa, Daman and Diu Amendment) Act, 1975.

(2) It extends to the whole of the Union territory of Goa, Daman and Diu.

(3) It shall come into force at once.

2. *Amendment of section 27 of Central Act II of 1899.*—In section 27 of the Indian Stamp Act, 1899 (Central Act II of 1899), as in force in the Union territory of Goa, Daman and Diu (hereinafter referred to as "the principal Act"), after the words and brackets "The consideration (if any)", the words "and the market value" shall be inserted.

3. *Insertion of new section 47A in Central Act II of 1899.*—After section 47 of the principal Act, the following section shall be inserted namely:—

"47A. *Instruments of conveyance, etc. undervalued how to be dealt with.*—(1) If the registering officer appointed under the Registration Act, 1908 (Central Act 16 of 1908) while registering any instrument of conveyance, exchange or gift has reason to believe that the market value of the property which is the subject matter of conveyance, exchange or gift has not been truly set forth in the instrument, he may, after registering such instrument, refer the same to the Collector for determination of the market value of such property and the proper duty payable thereon.

(2) On receipt of a reference under sub-section (1) the Collector shall, after giving the parties a reasonable opportunity of being heard and after holding an enquiry in such manner as may be prescribed by rules made under this Act, determine the market value of the property which is the subject-matter of conveyance, exchange or gift and the duty as aforesaid, and, thereupon, the difference, if any, in the amount of duty, shall be payable by the person liable to pay the duty.

(3) The Collector may on his own motion or otherwise, within two years from the date of registration of any instrument of conveyance, exchange or gift not already referred to him under sub-section (1), call for and examine the instrument for the purpose of satisfying himself as to the correctness of the market value of the property as set forth in such instrument, which is the subject-matter of conveyance, exchange or gift and the duty payable thereon and if after such examination he has reason to believe that the market value of such property has not been truly set forth in the instrument, he may determine the market value of such property and the duty as aforesaid in accordance with the procedure provided for in sub-section (2) and, thereupon, the difference, if any, in the amount of duty, shall be payable by the person liable to pay the duty:

Provided that nothing in this sub-section shall apply to any instrument registered before the date of the commencement of the Indian Stamp (Goa, Daman and Diu Amendment) Act, 1975.

(4) Any person aggrieved by an order of the Collector under sub-section (2) or sub-section (3), may appeal to the Civil Judge, Senior Division and all such appeals shall be preferred within such time, and shall be heard and disposed of in such manner, as may be prescribed by rules made under this Act.

*Explanation.*—For the purposes of this Act, market value of any property shall be estimated to be the price which in the opinion of the Collector or the Civil Judge, Senior Division, as the case may be, such property would have fetched or would fetch, if sold in the open market on the date of execution of the instrument of conveyance, exchange or gift."

4. *Substitution of new section for section 78 of Central Act II of 1899.*—For section 78 of the principal Act, the following section shall be substituted, namely:—

"78. *Duty or allowance to be rounded off to the next higher multiple of five paise.*—If the total amount of duty payable, or of allowance to be made, under this Act is not a multiple of five paise, the total amount shall be rounded off to the next higher multiple of five paise."

5. *Amendment of Schedule I-A of Central Act II of 1899.*—In Schedule I-A to the principal Act,—

(a) in article 18, in clause (c), in the entry in column (2), for the word "consideration", the words "market value" shall be substituted;

(b) in article 23,—

(i) in clause (a) for the words, letters and figures "when the amount or value of the consideration for such conveyance as set forth therein does not exceed Rs. 50/-" the words, letters and figures "where the market value of the property which is the subject-matter of conveyance does not exceed Rs. 50/-" shall be substituted;

(ii) in clause (b), for the words, letters and figures "where the amount or value of the consideration for such conveyance as set forth therein does not exceed Rs. 200/-," the words,

letters and figures, "where the market value of the property which is the subject-matter of conveyance does not exceed Rs. 200/-" shall be substituted;

(c) in article 31, for the entry in column (2), the following entry shall be substituted, namely:—

"The same duty as is leviable on a conveyance under clause (a) or clause (b), as the case may be, of article 23 for a market value equal to the market value of the property of greater value which is the subject-matter of the exchange.";

(d) in article 33, for the entry in column (2), the following entry shall be substituted, namely:—

"The same duty as is leviable on a conveyance under clause (a) or clause (b) as the case may be, of article 23 for a market value equal to the market value of the property which is the subject-matter of the gift.";

(e) in article 35, in the entry in column (2), for the word "consideration" wherever it occurs, the words "market value" shall be substituted;

(f) in article 40, in clause (a), in the entry in column (2), for the word "consideration" the words "market value" shall be substituted;

(g) in article 45, in the entry in column (2), in clause (b) of the proviso, for the words "ten times", the words "twenty times" shall be substituted;

(h) in article 48, in clause (f), for the entry in column (2), the following entry shall be substituted, namely:—

"The same duty as under clause (a) or (b), as the case may be, of article 23 for a market value equal to the amount of the consideration.";

(i) in article 54, in clause (a), for the entry in column (2), the following entry shall be substituted, namely:—

"The same duty as is leviable on a conveyance under clause (a) of article 23 for a market value equal to the amount of such consideration as set forth in the reconveyance.";

(j) in article 63, in the entry in column (2), for the word "consideration" in the first place where it occurs, the words "a market value" shall be substituted.

Secretariat,  
Panaji,  
21st August, 1975.

B. M. MASURKAR  
Secretary to the Govt. of Goa,  
Daman and Diu Law and  
Judiciary Department